

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**FHARMACY RECORDS a/k/a
FHARMACY RECORDS PRODUCTION
CO., et al.,**

Plaintiff(s),

**CASE NUMBER: 05-72126
HONORABLE VICTORIA A. ROBERTS**

v.

EARL "DMX" SIMMONS, et al.,

Defendant(s).

ORDER

This matter is before the Court on Plaintiffs' "Motion for Reconsideration and Lifting the Stay Enforcement of the Court's October 3, 2006 Order Awarding Universal Defendants and Curtis Jackson Costs for Attorney Fees and Costs Incurred in Bringing their motion for Partial Summary Judgment." In the October 3rd Order, the Court denied Plaintiffs' motion for reconsideration of its August 21, 2006 Order awarding \$4,115.50 in fees and costs to the Universal Defendants and Curtis Jackson. The Court further directed Plaintiffs to tender the amount awarded within 30 days of its October 3rd Order.

Plaintiffs now request that the Court reconsider its August 21, 2006 ruling a second time. Plaintiff also requested that the Court stay enforcement of its Order pending a ruling on its second request for reconsideration. For the reasons stated below, Plaintiffs' motion for reconsideration is **DENIED** and the request for stay of enforcement is **MOOT**.

Eastern District of Michigan Local Rule 7.1(g)(3) provides for reconsideration if

the movant demonstrates a palpable defect by which the court and the parties have been misled, and further demonstrates that correcting the defect will result in a different disposition of the case. “A ‘palpable defect’ is a defect which is obvious, clear, unmistakable, manifest, or plain.” *Fleck v Titan Tire Corp.*, 177 F.Supp. 2d 605, 624 (E.D. Mich. 2001). “[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication.” L.R. 7.1(g)(3).

Plaintiffs’ motion is frivolous. Plaintiffs simply restate, virtually word for word, the arguments previously considered and rejected by the Court in its October 3rd Order. The fact that Plaintiffs disagree with the conclusions reached by the Court is not a legitimate basis upon which to bring a motion for reconsideration under L.R. 7.1(g)(3).

Therefore, Plaintiffs’ motion is **DENIED** and Plaintiffs’ request for a stay of enforcement is **MOOT**. Payment must be remitted to Defendants in accordance with the Court’s October 3, 2006 Order.

IT IS SO ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: November 3, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on November 3, 2006.

s/Linda Vertriest
Deputy Clerk